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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,111	06/18/2004	Jeffrey A. Tarvin	20.2828	4110

23718 7590 11/28/2006

SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

EXAMINER

DANG, HOANG C

ART UNIT PAPER NUMBER

3672

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,111	Applicant(s) TARVIN ET AL.	
	Examiner Hoang Dang	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,15,16,18-25,31,33-39,45 and 46 is/are rejected.
- 7) ☒ Claim(s) 3-7,9-14,26-30 and 40-44 is/are objected to.
- 8) ☒ Claim(s) 17 and 32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/04 & 7/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of the species of Figures 5A & 6A in the reply filed on 8/25/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 17 and 32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/25/2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, 15, 16, 19-23, 25, 31, 33-39, 45 and 46 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wilcox (US 2,799,347) (see figures 1-3 and column 2, line 49 through column 3, line 6)

As for claims 15, 20, 21, 34, 36 and 45, see column 1, lines 23-24.

5. Claims 1, 2, 15, 16, 19, 20, 22, 23, 25, 31, 33-36, 38, 39, 45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Brieger (US 3,934,468).

The claimed structure reads exactly on the reference's structure when members (21), (63,67,78,53), (68,79,80,62) and (50) are respectively considered as "housing", "shaft", "flowline" and "fluid restrictor" as recited.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox '347 in view of Stokley et al (US 5,289,875) or Halford et al (6,092,416).

Wilcox discloses the invention as claimed except for the fluid analyzer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wilcox with a fluid analyzer or sensor because either Stokley et al (col. 3, line 8) or Halford et al (col. 1, line 50) teach operatively connecting a fluid analyzer or sensor with a fluid sampler so that the collected fluid sample can be advantageously analyzed

As for claim 24, both Stokley et al and Halford et al teach providing a pump to facilitate the flow of formation fluid into sample chambers or unwanted fluid out of the sample chambers (see col. 6, lines 54-61 in Halford et al and col. 6, lines 15-27).

8. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brieger '468 in view of Stokley et al '875 or Halford et al '416.

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Brieger discloses the invention as claimed except for the fluid analyzer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Brieger with a fluid analyzer or sensor because either Stokley et al (col. 3, line 8) or Halford et al (col. 1, line 50) teach operatively connecting a fluid analyzer or sensor with a fluid sampler so that the collected fluid sample can be advantageously analyzed

As for claim 24, both Stokley et al and Halford et al teach providing a pump to facilitate the flow of formation fluid into sample chambers or unwanted fluid out of the sample chambers (see col. 6, lines 54-61 in Halford et al and col. 6, lines 15-27).

Allowable Subject Matter

9. Claims 3-7, 10-14, 26-30 and 40-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

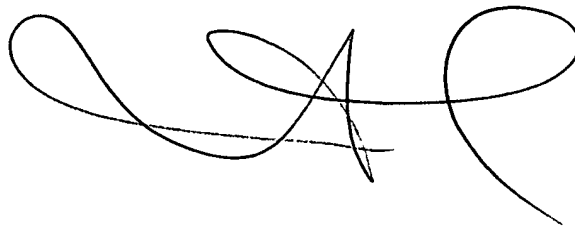
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 571-272-7028. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hoang Dang
Primary Examiner
Art Unit 3672

A handwritten signature in black ink, consisting of a series of loops and a central vertical stroke, positioned below the printed name and title.